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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/084,981

03/01/2002

Stefan Jansen

NOD-002.01

2225

25181

7590

01/23/2009

FOLEY HOAG, LLP

PATENT GROUP, WORLD TRADE CENTER WEST

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BOSTON, MA 02110

EXAMINER

WIMER, MICHAEL C

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/084,981

**Applicant(s)**

JANSEN, STEFAN

**Examiner**

Michael C. Wimer

**Art Unit**

2821

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/17/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-40, 44, 46, 48-98 and 119-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-98 and 120-123 is/are allowed.
- 6) ☒ Claim(s) 38-40, 44, 46, 48 and 119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/17/2008.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of claims 38-40,44,46,48 and 119 is withdrawn in view of the newly discovered reference(s) to Yao et al. (6052093) and Lee (4975711).

Rejections based on the newly cited reference(s) follow.

2. Claims 49-98 and 120-123 are allowed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-40 and 119 are rejected under 35 U.S.C. 102(b) as being anticipated by Yao et al. (6052093).

Regarding Claims 38-40 and 119, Yao et al. show an antenna comprising an element 26,34 formed from conductor patterns on a plurality of layers including at least one buried layer 34 of a multilayer PCB, the PCB is apertured 22,24 adjacent to the element 26,34, and the conductor patterns are in stacked relation and interconnected through the PCB (via the transition points 36,36A, defined as vias), all arranged as recited.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (6052093) in view of Lee (4975711).

Regarding Claims 44, 46 and 48, Yao et al. show an antenna comprising an element 26,34 formed from conductor patterns on a plurality of layers including at least one buried layer 34 of a multilayer PCB, the PCB is apertured 22,24 adjacent to the element 26,34, and the conductor patterns are in stacked relation and interconnected through the PCB (via the transition points 36,36A, defined as vias). Although, Yao et al. show a printed circuit board antenna in multiple layers used for inventory tags integrated within a transceiver board, there is no specific suggestion that the antenna is included in a mobile phone, as recited in the preamble of these claims. Therefore, the patent to Lee is cited as evidence of obviousness and as resolving the level of skill in the antenna art and shows a slot antenna used within a mobile phone 1. It would have been obvious to the skilled artisan to employ the antenna of Yao et al. in a mobile phone, as suggested and taught by Lee.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Wimer/  
Primary Examiner, Art Unit 2821

MW  
1-12-2009